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SK
Ct. No. 18
22.09.2021

C.O. No. 1346 of 2021
(Via Video Conference)

Usha Shaw
Vs.
Avijit Shaw

Mr. Sayan Chattopadhyay,
Ms. Payel Shome ... For the petitioner.

Mr. Sayan Chattopadhyay, learned advocate appearing on behalf of the petitioner files affidavit-of-service, which is taken on record.

None appears on behalf of the opposite party in spite of service.

The wife/respondent in the Matrimonial Suit No. 183 of 2021 filed by the husband/opposite party for dissolution of marriage between the parties by a decree of divorce is the petitioner of the present application under Section 24 of the Code of Civil Procedure.

The said matrimonial suit is pending before the Court of learned District Judge, District-Hooghly at Chinsurah.

The petitioner by the present application is praying withdrawal of the said suit from the Court where it is now pending and transfer of it to the Court of learned Additional District Judge at Kalyani, District- Nadia on the ground that she is residing at Chakdah, District-Nadia along with her minor son, as such, it

would be difficult for her to travel to Chinsurah from her residence and contest the said matrimonial suit.

That apart, a proceeding for maintenance under Section 125 of the Code of Criminal Procedure and another proceeding under Section 498A of the Indian Penal Code, both filed by the petitioner, are pending before the respective criminal courts at Kalyani, and the husband/opposite party is contesting both proceedings.

The petitioner, in view of the distance between Chinsurah and Chakdah, is justified in pleading her inconvenience in attending the Court where the said matrimonial suit is now pending. Moreover, all the proceedings between the parties should be brought at one place to avoid unnecessary expenses and inconvenience of the parties. The prayer of the petitioner, therefore, deserves to be allowed.

Let the Matrimonial Suit No. 183 of 2021 **(*Shri Avijit Shaw* vs. *Smt. Usha Shaw*)** be withdrawn from the Court of learned District Judge,District- Hooghly at Chinsurah and be transferred to the Court of learned Additional District Judge at Kalyani, District-Nadia and the said suit, thereafter, shall be proceeded within from the point at which it was withdrawn.

Irrespective of transmission of the records of the said matrimonial suit, the parties, upon production of the server copy of this order, shall appear before the Court of learned Additional District Judge, at Kalyani, District - Nadia on **November 08, 2021**.

The petitioner shall communicate this order to the opposite party within a week from date.

The department is directed to communicate this order immediately to the Court of learned District Judge, District-Hooghly at Chinsurah and the said Court, on receipt of such communication, shall expedite the transmission of the records of the said suit.

C.O. 1346 of 2021 is allowed with the above terms without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)